THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.8104 of 2006

Dated:21st April, 2006

Between:

V.Gopal & another

…..PETITIONER

AND

The Vice Chairman & Managing Director,

APSRTC, Bus Bhavan Complex, Musheerabad,

Hyderabad & 2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P. No. 8104 of 2006

ORDER:

The petitioners challenge the notice dated 10-4-2006 in No.E1/471 (1)/04-HZ, issued by the 2nd respondent reverting the petitioners to the post of Typist from the post of Senior Assistant (Personnel), and consequently direct the 2nd respondent to continue the petitioners as Senior Assistants (Personnel) by setting aside the impugned notice dated 10-4-2006.

The petitioners were appointed as Typists in the respondent Corporation on 31-7-1987 and 31-7-1986 respectively and subsequently were promoted as Senior Assistants (Personnel) in the year 1999, and probation in the post of Senior Assistant was also declared and their services were regularized by order No.E1/255(4)2003-HZ, dated 24-7-2003, by the 2nd respondent. Surprisingly the 2nd respondent issued notice No.E1/471(1)/04-HZ, dated 10-4-2006, reverting the petitioners from the post of Senior Assistants (Personnel) to the post of Typist with immediate effect.

Learned counsel for the petitioners submitted that the 2nd respondent in the name of notice, has passed a final order, without calling for any explanation from the petitioners. It is further submitted that the 2nd respondent by orders dated 24-7-2003 regularized the services of the petitioners as Senior Assistants (Personnel), and in the said order, the petitioners were shown at Sl. Nos. 8 and 14, and the action of the 2nd respondent in issuing the impugned notice, which is virtually a final order without calling for any explanation from the petitioners, is bad, arbitrary and illegal, and prayed to set aside the same.

The learned Standing Counsel for A.P.S.R.T.C conceded that the impugned order, though styled as notice, in fact, is a final order, and admitted that he is not in a position to justify the impugned order.

Heard the learned counsel for the petitioner and the learned Standing Counsel for A.P.S.R.T.C and perused the impugned order and the material placed on record.

Admittedly, the impugned order, though styled as notice, is virtually a final order, and is passed without any notice or calling for explanation from the petitioners. It is unfortunate that officer of the rank of an Executive Director has passed such an order without even following the principles of natural justice.

Since the impugned notice, which is virtually a final order, has been issued in violation of the principles of natural justice, the same is liable to be set aside. Accordingly, the writ petition is allowed, and consequently, the impugned notice dated 10-4-2006, issued by the 2nd respondent proceedings No.E1/471 (1)/04-HZ is set aside. This order, however, does not preclude the respondents from issuing notice to the petitioners, before seeking to revert them from the post of Senior Assistant to the post of Typist. No costs.

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(N.V. RAMANA, J.)

Date:21st April, 2006.

GRK